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6 *Attorneys for Plaintiff, Deutsche Bank National Trust Company, as Trustee for Ameriquest*
7 *Mortgage Securities Inc., Asset-Backed Pass-Through Certificates, Series 2005-R10*

8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 DEUTSCHE BANK NATIONAL TRUST
11 COMPANY, AS TRUSTEE FOR
12 AMERIQUEST MORTGAGE SECURITIES
13 INC., ASSET-BACKED PASS-THROUGH
14 CERTIFICATES, SERIES 2005-R10,

15 Plaintiff,

16 vs.

17 SFR INVESTMENTS POOL 1, LLC;
18 NORTHBROOK HOMEOWNERS
19 ASSOCIATION, INC.; and HOMEOWNER
20 ASSOCIATION SERVICES, INC.,

21 Defendants.

22 SFR INVESTMENTS POOL 1, LLC,

23 Counter/Cross Claimant,

24 vs.

25 DEUTSCHE BANK NATIONAL TRUST
26 COMPANY, AS TRUSTEE FOR
27 AMERIQUEST MORTGAGE SECURITIES
28 INC., ASSET-BACKED PASS-THROUGH
CERTIFICATES, SERIES 2005-R10.; JESSE
DAHILIG, an individual; LORRAINE
DAHILIG, an individual,

Case No.: 2:17-cv-00457-KJD-GWF

**STIPULATION AND ORDER TO
DISMISS REMAINING UNJUST
ENRICHMENT CLAIM**

1 Counter/Cross Defendants.

2

3 **STIPULATION AND ORDER TO DISMISS REMAINING**

4 **UNJUST ENRICHMENT CLAIM**

5 IT IS HEREBY STIPULATED AND AGREED, by and between Plaintiff/Counter-
6 Defendant, Plaintiff, Deutsche Bank National Trust Company, as Trustee for Ameriquest
7 Mortgage Securities Inc., Asset-Backed Pass-Through Certificates, Series 2005-R10
8 (“Plaintiff”), through its counsel of record, Robert A. Riether, Esq. and Rock K. Jung, Esq., of
9 the law firm Wright, Finlay & Zak, LLP; and Defendant/Counter-Claimant, SFR Investments
10 Pool 1, LLC (hereinafter “SFR”), by and through its counsel of record, Diana S. Ebron, Esq., of
11 Kim Gilbert Ebron (collectively, the “Parties”), for dismissal of Plaintiff’s Claim for Unjust
12 Enrichment action as follows:

13 WHEREAS:

14 1. The real property which is the subject of this suit is commonly known as 4401
15 Sparkle Crest Avenue, North Las Vegas, Nevada 89031; APN 124-31-110-026 (“Property”) and
16 is part of the Northbrook Homeowners Association, Inc. (“HOA”);

17 2. On February 10, 2017, Plaintiff filed a Complaint for Quiet Title against SFR,
18 HOA, and Homeowner Association Services, Inc. [ECF No. 1];

19 3. On February 28, 2017, Plaintiff filed its First Amended Complaint against the
20 same defendants [ECF No. 5];

21 4. On April 17, 2017, SFR filed its Answer to the Complaint, its Counterclaim and
22 Cross-Claim [ECF No. 14];

23 5. HOA, Plaintiff, and SFR filed competing Renewed Motions for Summary
24 Judgment [ECF Nos. 61, 66, and 67, respectively];

25 6. On September 10, 2019, the Court entered its Order [ECF No. 86] granting
26 Northbrook Homeowners Association’s Renewed Motion for Summary Judgment [ECF No.
27 61], denying Deutsche Bank’s Renewed Motion for Summary Judgment [ECF No. 66], and
28 granting SFR’s Renewed Motion for Summary Judgment [ECF No. 67] in part and denying it in

1 part. The Court granted summary judgment in favor of SFR on each of Plaintiff's claims except
2 as to Deutsche Bank's unjust enrichment claim;

3 **NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED** that the sole
4 remaining claim in Plaintiff's Amended Complaint, the Fifth Cause of Action against SFR for
5 unjust enrichment, shall be dismissed in its entirety *with prejudice*, with each side bearing their
6 own attorneys fees and costs.

7 **IT IS FURTHER STIPULATED AND AGREED** that nothing in this Stipulation and
8 Order is intended to be, or will be, construed as an admission of the claims or defenses of the
9 Parties.

10 **IT IS SO STIPULATED.**

11 Dated this 8th day of November, 2019.

12 WRIGHT, FINLAY & ZAK, LLP

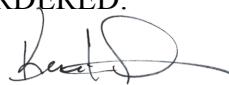
13 KIM GILBERT EBRON

14 /s/ Rock K. Jung

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2005-R10*

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24 IT IS SO ORDERED:
25 
26

27 UNITED STATES DISTRICT COURT JUDGE

28 DATED: November 8, 2019